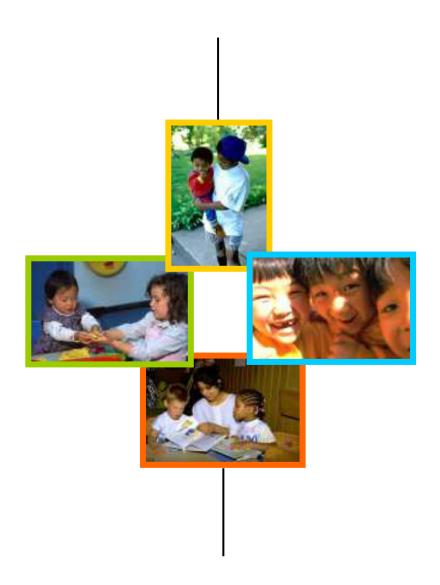
DCS CASE MANAGEMENT GUIDE

A Tool for Navigating the Principles & Requirements of the Brian A. Settlement Agreement



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INTRODUCTION



It is an exciting time at the Department of Children's Services. Efforts are being made to ensure appropriate work with children and families to create successful outcomes. Further, the department has been empowered to support the field as never before to achieve success in case work. A key to support is the sharing of adequate information that supports the department's mission.

In hopes of further educating the field about the core best practice case management issues, the department has compiled the following tool. Outlined in the tool are primary mandates of the Brian A. Settlement Agreement and core case management

requirements. This tool is not intended to serve as a comprehensive practice model. Rather, the hope is that case management staff will embrace the activities and philosophies outlined and take first steps to meeting best practice requirements. Over the next several months, staff will receive in-service training, resource materials, and job coaching to assist in moving practice to a model that best serves children and families.

Please note that the following not only contains core case activities, it also includes references to DCS policies and other resources that might provide clarification and additional information to aid in case management. Also included is reference to general outcomes that the department is striving to achieve. These outcomes are actually an assimilation of outcomes from the Brian A. Settlement, the Federal Child and Family Services Review (CFSR), Federal Child Welfare Outcomes (CWOs), and the Chafee Foster Care Independence Act. Finally, the instrument includes the general principles that must be at the core of the department's activities as it works to serve children and families.

It is the intent that this tool be an aid in case management. Each case manager is expected to take time to master the information to follow and to incorporate it into his or her daily work with children and families. As the department develops its practice model, it will be clear that these activities, principles and philosophies are at the core.

TN DCS Mission Statement

DCS, in partnership with families, local communities, juvenile courts, and schools will provide timely, appropriate, and cost effective services to children in state custody or at risk of state custody, so these children can strive to reach their full potential as productive, competent, and healthy adults.

NOTES ON PRINCIPLES, VALUES & PRACTICE—COMPLICATIONS AND CHALLENGES FROM THE "REAL WORLD"

While the Settlement Agreement presents clear guidelines for practice, often, real life and real lives are less clear. Often in case management, staff are presented with seeming conflicts in practice principles and policies. Conflicts may exist around certain principles; including: placement within a 75-mile radius, value of relative placement options, number of children in a home, replacement with a former foster family, and case load caps (based on immediate number). It may not be possible, based on individual situations and needs to satisfy all policy criteria simultaneously.

The key to decisions in such cases must be the best interest of the child. Working towards the child's "best interest" includes preserving connections, supporting permanency goals, and certainly providing for safety.

In sorting through challenging or conflicting situations, the case manager has at his/her disposal the opportunity to consult with supervisors, attorneys, central office program staff, and importantly, the child, family, and other vested parties.

ASSESSMENT NOTES

Note #1—Assessment Protocol

Note #2—Educational Needs

ASSESSMENT

Assessment Note #1—Assessment Protocol

Case Management Notes

The Department of Children's Services must ensure that all children have an assessment (via a standardized protocol) within fifteen (15) working days of their custody date. DCS must use assessment results to determine a child's placement. There are no exceptions to this requirement.

- ❖ The assessment shall include a medical evaluation and psychological evaluation, if indicated, within 30 calendar days..
- ❖ The assessment may occur prior to custody such as in FSS cases that become custodial.
- Once completed, the assessment will be used to determine if, and ensure that, the placement meets the child's needs.

Principles and Outcomes

Principle(s)

Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

- ❖ Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.
- * Reduce the number and rate of children being restricted from their own families, own communities and family placements.
- Better match and increase needed services to support child and family well-being.

- Policy 11.1 Assessment Training for DCS Program Operations Staff
- ❖ Policy 16.46 Assessment and Placement of Children
- DCS Assessment Training Manual
- Provider Policy Manual, Referrals, Page 26
- Provider Policy Manual, Primary Treatment Centers, Page 50
- Brian A. Settlement Agreement, Page 16,,VI. Placement and Supervision of Children (D)

Assessment Note #2—Educational Needs

Case Management Notes

DCS must ensure that all children have access to an appropriate education, including identification and provision of special education services. DCS shall ensure that all children attend community schools absent compelling circumstances.

- ❖ Special education needs will be identified in a timely manner.
- DCS education specialists and attorneys will assist children to ensure that reasonable and appropriate educational services are available.

Principles and Outcomes

Principle(s)

- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disabilities.

Outcome(s)

Better match and increase needed services to support child and family well-being.

- Policy 21.11 DOE Determining Special Needs
- ❖ Policy 21.13 DOE Special Education Placement
- Provider Policy Manual, Page 25
- ❖ Brian A. Settlement Agreement, Page 17, VI Placement and Supervision of Children (E)

CASE PLANNING NOTES

Note #1—Intensive Family Involvement

Note #2—Permanency Goals

Note #3—Concurrent Planning

Note #4—Elements of the Permanency Plan

Note #5—Case Reviews and Staffings

Note #6—Independent Living Services

Note #7—Adoption Issues

Note #8—Discharge Planning and Services

CASE PLANNING

Case Planning Note #1—Intensive Family Involvement

Case Management Notes

If a child enters custody, the DCS Case Manager (and contract agency case manager if applicable) shall work closely from the beginning with birth families and all others to assure appropriate planning for permanency.

The Initial family meeting:

- ❖ Must be held within seven (7) days of custody.
- ❖ Must involve family members with whom the child was living prior to custody.
- ❖ Must include the child if twelve (12) or older (and younger, if appropriate). Child may not participate if not participating would be in his/her best interest.

Beginning with initial involvement with children and families and throughout the life of the case, DCS will attempt to work intensively with families to keep children from entering custody, or if custody is necessary DCS will work intensively to reunite children with their families. If reunification is not possible within a reasonable period of time, DCS will assure the child an alternative, appropriate, permanent placement.

- ❖ If parents' whereabouts are unknown, DCS must begin a diligent search with efforts documented in the case record.
- Initial meeting and planning process will begin, notwithstanding parents' absence.
- Purpose of the initial meeting is:
 - to discuss the problems that necessitated the child's removal;
 - to assess the appropriateness of the child's placement based;
 - on the reasons for removal, contacts with the child, contacts;
 - with the foster home or other placement, and all other available information;
 - to arrange an immediate visitation schedule between the child and the parents;
 - to identify possible relative placements;
 - to begin an assessment of the child's and family's needs;
 - to arrange for a schedule of contacts between the parents and the worker.
- Permanency Planning Staffing
 - must occur within fifteen (15) days of the child entering custody;
 - all the following should be invited and present if at all possible at the Permanency Planning Staffing
 - DCS Case Manager
 - DCS Team Leader
 - contract agency case manager (if applicable)
 - Guardian Ad Litem (if appointed)
 - CASA Worker (if one is appointed)



- the child if 12 or older (if not participating, must be extraordinary circumstance and documented in record)
- birth parents and extended family (as appropriate)
- foster parents
- Should any of the above not attend, efforts to enable attendance must be documented in the record.
- The purpose of the Permanency Planning Staffing is
 - to discuss the problems that necessitated the child's

Principle(s)

- All children should have the best possible opportunity to grow up within a safe, nurturing family, either their biological family, or if that is not possible, within an adoptive family.
- The state should make reasonable efforts to avoid foster care placement by providing services to preserve the biological family whenever that is reasonably possible. However, child welfare decision-makers must have the professional capacity to make determinations as to when making efforts to preserve the biological family, or leaving the child with that family is neither safe for the child nor likely to lead to an appropriate result for the child.
- Families of children in foster care should be significant participants in the planning and decision-making concerning their children.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

- Policy 16.31 Permanency Planning
- ❖ Policy 16.46 Assessment and Placement of Children in Foster Care
- Policy 16.48 Conducting Diligent Searches
- Family Support Services Handbook, Page 12
- ❖ TCA 37-2-403 and 404.
- ❖ TCA 37-2-415 (11).
- ❖ Brian A. Settlement Agreement, pages 21-22, VII, Planning for Children, (A-C).

Case Planning Note #2—Permanency Goals

Case Management Notes

There are specific considerations related to individual permanency goals.

Return to Parent:

- ❖ If reunification is a goal for more than twelve (12) months, the record must contain the supervisor's approval and a written explanation justifying continuation of the goal, including services to be provided and specific circumstances of the case.
- ❖ This goal should not be continued for more than fifteen (15) months without documented justification and reason to believe the child will return home within a specified/reasonable time frame.

Exit Custody to Live with Relative(s)

- ❖ If a child or youth is unable to return to parents, and the plan is that he or she will find permanence outside the foster care system through a legal relationship (other than adoption) with a relative, this would be an appropriate goal.
- Searches for fit and able relatives must begin at the first involvement of the child and family with the department.
- This goal is only appropriate if the child is to leave the custody of the state to find permanence with a relative without the benefit of adoption.

Adoption

- ❖ If it is identified that a child is not able to exit custody to return to parents and if there are no relative placement resources in or outside of custody and the department appears to have grounds to terminate parental rights or parents are willing to surrender, this goal is appropriate.
- ❖ Adoption as a goal does not preclude adoption by a relative of a child in state custody.
- There are situations where reasonable efforts are not necessary to pursue adoption as a sole permanency goal. These would include the nature of the abuse, past abuse history, etc. Consultation should be sought with attorneys to assess this issue.
- The department must assess that conditions and circumstances are unlikely to change or to be remediated to reduce risk to the child in the parents' home before adoption may be considered as a goal.
- An advisory board (Foster Care Review or CART) gives input or recommendations related to identifying adoption as a goal.
- Children 14 years and older must consent to their adoption in the state of Tennessee.

Planned Permanent Living Arrangement (PPLA) with Relative

- ❖ May be used once adoption by this relative resource has been explored and for legitimate reasons ruled out, but when the relative is committing to assuming long-term parenting responsibilities.
- ❖ A long-term placement agreement is signed by the relative and DCS (or contract agency) to outline and ensure the permanency and stability of the placement and commitment.

Planned Permanent Living (PPLA) with Non-Relative

- This goal may only be used in limited circumstances:
 - the child is at least 15 years old;
 - DCS has made every reasonable effort, documented in the record, to return the child home, to place the child with appropriate family members, or to place the child for adoption;
 - the person to whom DCS proposes to assign permanent caregiver status has demonstrated a commitment to assuming long-term responsibility for the child.
- The long-term placement must be signed once a resource is located by the permanent family resource and DCS (or contract agency).

Principles and Outcomes

Principle(s)

- All children should have the best possible opportunity to grow up within a safe, nurturing family, either their biological family, or if that is not possible, within an adoptive family.
- ❖ The state should make reasonable efforts to avoid foster care placement by providing services to preserve the biological family whenever that is reasonably possible. However, child welfare decision-makers must have the professional capacity to make determinations as to when making efforts to preserve the biological family, or leaving the child with that family is neither safe for the child nor likely to lead to an appropriate result for the child.
- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.
- Children in out-of-home placement must have timely decision-making about where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.

Outcome(s)

- ❖ Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.
- Better match and increase needed services to support child and family well-being.

- Policy 16.31 Permanency Planning
- ❖ Long-term Placement Agreement # CS 0592
- Provider Policy Manual, Page 10
- **❖** TCA 36-1-112
- **❖** TCA 36-1-113
- * TCA 37-2-403 (a) 1
- ❖ TCA 37-2-403 (d).

- **❖** TCA 37-2-414.
- Brian A. Settlement Agreement, page 16, VI. Placement and Supervision of Children, (C.10).
- ❖ Brian A. Settlement Agreement, Pages 24-25, VII Planning for Children (E-G)
- Brian A. Settlement Agreement, pages 27-28, VIII. Freeing a Child for Adoption, (A-G).

Case Planning Note #3—Concurrent Planning

Case Management Notes

To assure permanency for children, the department may use concurrent permanency planning when there are dual, appropriate permanency goals. Considering concurrent goals is appropriate at any time during the life of the case, including at the onset.

Principles and Outcomes

Principle(s)

- All children should have the best possible opportunity to grow up within a safe, nurturing family, either their biological family, or if that is not possible, within an adoptive family.
- The state should make reasonable efforts to avoid foster care placement by providing services to preserve the biological family whenever that is reasonably possible. However, child welfare decision-makers must have the professional capacity to make determinations as to when making efforts to preserve the biological family, or leaving the child with that family is neither safe for the child nor likely to lead to an appropriate result for the child.
- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.

Outcome(s)

- Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.
- Better match and increase needed services to support child and family well-being.

- Policy 16.31 Permanency Planning
- Policy 16.41 Concurrent Planning
- ❖ Brian A. Settlement Agreement, Page 23, VII Planning for Children (B)

Case Planning Note #4—Elements of the Permanency Plan

Case Management Notes

Permanency Plans must contain the following:

- How the permanency goal will be achieved,
- What services are necessary to make the accomplishment of the goal likely,
- ❖ Who is responsible for the provision of those services,
- When the services will be provided, and
- ❖ The date by which the permanency goal is likely to be achieved.

DCS will provide all services identified as necessary for the child achieving permanency.

Dates set for services to be provided cannot be extended more than once, except in extraordinary situations. The reason must be documented and approved by Team Coordinator.

Principles and Outcomes

Principle(s)

- All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disabilities.
- Children in out-of-home placement must have timely decision-making about where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.

Outcome(s)

- Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.
- * Reduce the number and rate of children being restricted from their own families, own communities and family placements.
- * Reduce all disparities associated with race/ethnicity, gender or age.
- Better match and increase needed services to support child and family well-being.

- Policy 16.31 Permanency Planning
- Permanency Planning Instructions
- **❖** TCA 37-2-405 (a)
- ❖ Brian A. Settlement Agreement, Page 24, VII Planning for Children (I)

Case Planning Note #5—Case Reviews and Staffings

Case Management Notes

DCS is responsible for all case planning. DCS Case Managers and Supervisors must conduct ongoing assessments on each child's case to:

- Assure that the child's permanency goal is appropriate or to change it if it is not,
- Assure that the child's services and placement are appropriate and are meeting the child's specific needs,
- Assure that the parents and other appropriate family members are receiving the specific services mandated by the permanency plan and that they are progressing toward the specific objectives identified in the plan, and
- Assure that any private service providers identified in the plan, or which are providing placement for the child, are delivering appropriate services.

To assure the above, the child's permanency plan must be reviewed minimally on the following schedule:

- ❖ 6 months after the date the child entered custody,
- ❖ 12 months after the date the child entered custody,
- ❖ 15 months after the date the child entered custody,
- ❖ 18 months after the date the child entered custody,
- 21 months after the date the child entered custody,
- 24 months after the date the child entered custody, and
- every three (3) months thereafter.

These staffings are separate and apart from court hearings, foster care reviews, or other court or administrative reviews.

All reviews of a child's permanency plan shall include face-to-face meetings involving:

- the child's DCS case manager
- the DCS supervisor
- the worker from the contract agency (if applicable)
- the parent(s) or extended birth family, if appropriate
- the foster parent(s)
- the child, if the child is over 12 and wishes to participate
- CASA or Guardian Ad Litem
- others involved in the child's case

DCS must provide notice to all appropriate parties of staffings and permanency plan reviews (7 days in advance if by phone, 10 days in advance if by mail). DCS must assist parties to attend staffings and be flexible in all scheduling.

Documentation of notices and efforts to ensure attendance must be placed in the case record.

Staffing events and progress on goals must be documented in the record.

Principles and Outcomes

Principle(s)

- The state should make reasonable efforts to avoid foster care placement by providing services to preserve the biological family whenever that is reasonably possible. However, child welfare decision-makers must have the professional capacity to make determinations as to when making efforts to preserve the biological family, or leaving the child with that family is neither safe for the child nor likely to lead to an appropriate result for the child.
- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.
- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- ❖ All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity or disabilities.
- Children in out-of-home placement must have timely decision-making about where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.
- Families of children in foster care should be significant participants in the planning and decision-making concerning their children.

Outcome(s)

- ❖ Decrease the number and rate of children re-entering state custody.
- ❖ Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.

- Policy 16.31 Permanency Planning
- ❖ Policy 16.32 Foster Care Review and Quarterly Progress Reviews
- ❖ Policy 16.33 Foster Care and Permanency Planning Hearings
- Provider Policy Manual, Pages 11-13
- **❖** TCA 37-2-404 (a-b)
- ❖ Foster Parents Bill of Rights, TCA 37-2-415
- ***** TCA 47-2-406 (a) (2)
- ❖ Brian A. Settlement Agreement, Page 22-23, VII Planning for Children (C)
- ❖ Brian A. Settlement Agreement, Page 24-25, VII Planning for Children (5)

Case Planning Note #6—Independent Living Services

Case Management Notes

DCS must provide a full range of independent living services appropriate to the youth's circumstances and level of development for all youth age fourteen (14) years and older.

Independent Living Services include:

- Independent Living Assessment
- Educational assistance and tutoring
- Career exploration and employment services
- Mentors
- Financial and housing assistance
- Counseling
- Money management and other life skills
- Driver education
- Case management
- Employment services
- Post-secondary funding
 - Transportation assistance

Services may be provided to youths exiting care at age 18 years who wish to receive voluntary services. Youths must be exited from custody and reentered under the post-custody intake. Independent living services for these youths include:

- ❖ Assistance in obtaining part-time employment
- Continued case management
- Driver's education
- ❖ Education assessment for the purpose of a GED track
- Employment readiness training
- Housing assistance through authorized housing options
- Leadership activities
- Limited funds for car insurance
- Limited funds for car repairs
- Postsecondary funding for tuition, books and supplies, and housing
- Postsecondary start-up grants
- Preparation for postsecondary education
- Resource information
- Transitional living grant at the end of voluntary services
- Transportation assistance

Transitional living services are provided regionally for youth who exit care at 18 and do not wish to receive voluntary services under the post custody intake. Transitional living services (may be temporary services) include:

- Independent Living Assessment
- Educational assistance and tutoring
- Career exploration and employment services
- Mentors
- Financial and housing assistance
- Counseling
- Money Management and other life skills
- Driver education
- Case Management
- Employment services
- Post-secondary funding
- Transportation assistance
- Housing assistance

Principles and Outcomes

Principle(s)

- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity or disabilities.

Outcome(s)

Better match and increase needed services to support child and family well-being.

- Policy 16.51 Provision of Post Custody Services to Youths Exiting Care at 18 or 19
- ❖ Policy 16.52 Array of Independent Living Services Available to Youths 14-20
- Brian A. Settlement Agreement, Page 19, VI Placement and Supervision of Children (I)

Case Planning Note #7—Adoption Issues

Case Management Notes

DCS must start the process of freeing a child for adoption and finding an adoptive placement as soon as the child's single permanency goal becomes adoption.

- ❖ In cases where a diligent search has failed to locate either parent and where there are no appropriate family members, preparation must be made to terminate parental rights and to prepare the child for adoption.
- Children over age 14 years must give consent to adoption, and therefore adoption issues should be explored through counseling with the child prior to terminating parental rights.

Specific time frames related to adoption are as follows:

- Within 30 days of a decision to set a single goal of adoption, the case manager will schedule an appointment with the local DCS lawyer to discuss the case and assist in the preparation of the petition to terminate parental rights.
- ❖ Within 30 days of that meeting, the lawyer will file the petition to terminate parental rights unless there is a legal impediment to the filing, but in any event the petition will be filed within 90 days of that meeting.
- ❖ For cases where a petition to terminate parental rights has been filed, the case manager will schedule a case conference with adoption staff within 30 days of the petition being filed.
- ❖ If a child's case is appropriate for transfer to the adoption unit, the case must be transferred within 30 days of the case conference.
- Cases involving full guardianship must be transferred for adoption services within 15 days of guardianship.
- ❖ Case managers will explain the voluntary surrender process to the birth/legal parents at the completion of the permanency plan staffing and if appropriate at each subsequent foster care review board meeting. If requested, the case manager will assist the parent/s in accomplishing the surrender process.

Principles and Outcomes

Principle(s)

- All children should have the best possible opportunity to grow up within a safe, nurturing family, either their biological family or, if that is not possible, within an adoptive family.
- The state should make reasonable efforts to avoid foster care placement by providing services to preserve the biological family whenever that is reasonably possible. However, child welfare decision-makers must have the professional capacity to make determinations as to when making efforts to preserve the biological family, or leaving the child with that family is neither safe for the child nor likely to lead to an appropriate result for the child.
- All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disabilities.

Children in out-of-home placement must have timely decision-making about where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.

Outcome(s)

Decrease the lengths of stay of children in state custody.

Policies and Other Resources

- ❖ Policy 15.1 Adoptive Placement Considerations
- ❖ Policy 15.3 Surrender of Parental Rights to the TN DCS
- Policy 15.7 Consent to Adoption
- Policy 16.31 Permanency Planning
- ❖ Adoption Services Procedure Manual "Services to Birth Parents"
- Adoption Services Procedure Manual "Services to the Child", I. Guidelines for Transfer of Cases to Adoption Services"
- **❖** TCA 36-1-102 (15)(D)
- ❖ Brian A. Agreement Page 27-28, VIII. Freeing a Child for Adoption (A) (D)

Case Planning Note #8—Discharge Planning and Services

Case Management Notes

DCS is responsible for assuring success and appropriateness of each discharge.

No planned discharge of a minor child from DCS custody shall occur without a Discharge Staffing including the following participants (all of whom must receive adequate notice of the staffing):

- The child's DCS case manager
- The case manager's supervisor
- ❖ The case manager from the contract agency, if applicable
- **❖** The foster parents
- ❖ The biological parents or relative who is assuming custody
- The child
- CASA
- Guardian Ad Litem
- Others involved in the case

At the Discharge Staffing, participants will:

Plan for the 90-day trial home visit.

- ❖ Identify all services necessary to ensure that the cause of the child's entry into care will continue to be addressed or that said cause is no longer an issue.
- Identify services necessary to support child reentering his/her family or entering permanent, post-custody placement.
- Secure the above-identified services.

During the trial home visit, DCS will have continued contact with the child and family as follows:

- ❖ At least three (3) times in the first 30 days, and
- ❖ Two (2) times per month for the remaining 60 days

These visits must include private visits between the child and case manager (unless the child is an infant). The case manager must also visit the school of school-aged children at least once a month. Following the trial home visit there must be a final Discharge Staffing attended minimally by:

- ❖ The DCS case manager (if Case Manager I, then Team Leader must also attend)
- ❖ The child
- ❖ The parent, relative, or other person assuming custody of the child.

If the discharge is deemed not appropriate, DCS may petition the court to continue the child's placement in custody with placement to be determined.

Principles and Outcomes

Principle(s)

- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.
- All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disabilities.
- Families of children in foster care should be significant participants in the planning and decision-making concerning their children.

Outcome(s)

Decrease the number and rate of children re-entering state custody.

- Policy 12.04 Release of Dependent and Neglected Children
- Provider Policy Manual, Page 12
- ❖ Brian A. Agreement Page 26-27, VII. Planning for Children (L)

PLACEMENT OF CHILDREN NOTES

Note #1—	-Placem	ent Red	ıuireme	nts
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Note #2—Number of Children in Placements

Note #3—Non-Family Placement Settings

Note #4—Emergency Placements

Note #5—Correction and Detention Placements

Note #6—Race/Ethnicity/Religion

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Note #11—TPR and Securing Adoptive Placement

Note #12—Placement Changes and ChipFins

PLACEMENT OF CHILDREN

Placement Note #1—Placement Requirements

Case Management Notes

In all cases, children must be placed according to their individual needs and except in extraordinary circumstances, they must be placed:

- With relatives
- With siblings
- In a family setting
- Close to family and community
 - siblings will be placed together regardless of whether they enter care together or separately
 - if siblings are separated initially, immediate plans must be made to locate a family to serve all siblings
 - exceptions to placing siblings together include:
 - if placement together would be harmful
 - if one sibling has exceptional needs that must be met in a special program/facility
 - if sibling group is so large placement together is not possible (DCS must make efforts to keep group together)
 - children will be placed in their own region or within 75 miles of their home
 - exceptions to rules regarding in region placement and 75 miles from home include:
 - the child's needs are so exceptional that they cannot be met by a family or facility in region
 - the child needs re-placement and goal is reunification and family has relocated
 - exceptions must be approved and documented and must meet the standard for exception

Principles and Outcomes

Principle(s)

- ❖ After children enter placement, all non-destructive family ties should be maintained and nurtured. Children should be placed with relatives who are able to provide a safe, nurturing home for them, and should be placed with siblings, and relationships with relatives and siblings should be facilitated and maintained by the child welfare agency.
- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.
- Children in foster care placement should be in the least restrictive, most family-like setting possible, and the state should make all efforts to avoid the use of non-family settings for children, particularly young children.



- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.
- The state should achieve these goals in a family environment whenever possible, separating the child from the child's parents only when necessary for the child's welfare or in the interest of the child's safety, keeping a child as close to home as possible.

Outcome(s)

- ❖ Decrease the lengths of stay of children in state custody.
- Reduce the number of placement moves experienced by children in state care.
- * Reduce the number and rate of children being restricted from their own families, own communities and family placements.
- Reduce all disparities associated with race/ethnicity, gender or age.
- * Better match and increase needed services to support child and family well-being..

Policies and Other Resources

- Policy 14.09 CPS Emergency and Non-Emergency Removals
- ❖ Policy 16.46 Assessment and Placement of Children in Foster Care
- Policy 15.1 Adoptive Placement Considerations
- Placement Exception Request CS-0595
- ❖ Adoption Services Procedure Manual "Services to the Child"
- Provider Policy Manual Page 20
- ❖ Brian A. Agreement Page 14-15
- ❖ VII. Placement and Supervision of Children (C) (1) (5-6)

Placement Note #2—Number of Children in Placements

Case Management Notes

DCS must make specific efforts to assure that the numbers of children (birth, adoptive, and foster) in homes are appropriate to allow families to meet children's needs. Standards include:

- ❖ No more than 3 children in care may be placed in a home.
- No more than 6 children (birth, adoptive, or foster) may be in a home.
- ❖ No placement is allowable if it would result in three (3) children under three (3) years of age.
- ❖ Exceptions, which include the following, must be approved by the appropriate DCS official in writing and documented in the case file:
 - best interest of the child
 - exception is due to the placement of a sibling group with no other children in the home

Principle(s)

- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

- * Reduce the incidence of child abuse and neglect in Tennessee.
- ❖ Better match and increase needed services to support child and family well-being.

Policies and Other Resources

- ❖ Policy 16.03 Desired Characteristics of Foster Parents
- ❖ Policy 16.04 Foster Home Approval and Training Process
- ❖ Policy 16.10 Foster Home Capacity
- Policy 16.46 Assessment & Placement of Children in Foster Care
- Placement Exception Request CS-0595
- Provider Policy Manual Page 20
- Brian A. Settlement Agreement, Page 7, VII. Placement and Supervision of Children (C) (7)

Placement Note #3—Non-Family Placement Settings

Case Management Notes

There are clear standards which DCS must adhere to regarding placement of children in non-family settings.

- ❖ DCS must not place children under the age of six (6) in non-family settings.
- DCS must not place children in a group care setting with over eight (8) children.

There is only one exception to these 2 standards:

- The child has such exceptional needs that the identified group setting is the least restrictive, appropriate placement that will meet his/her needs.
- Exceptions must be approved by the appropriate DCS official in writing, including a statement that the child's needs can only be met in the chosen setting. Justification for the exception must include details of the child's needs, and a description of the services available at the facility. Justification for the exception must be documented in the case file.

Principle(s)

- The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- Children in foster care placement should be in the least restrictive, most family-like setting possible, and the state should make all efforts to avoid the use of non-family settings for children, particularly young children.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

Policies and Other Resources

- Policy 16.45 Group Care for Children Under Age 6
- ❖ Policy 16.47 Placement of Children in Residential Treatment
- Placement Exception Request CS-0595
- Provider Policy Manual, Page 20
- Brian A. Settlement Agreement, Page 8, VII. Placement and Supervision of Children (C) (8-9)

Placement Note #4—Emergency Placements

Case Management Notes

DCS must adhere to specific guidelines related to the use of emergency placements.

- DCS must not place a child in an emergency placement for more than 30 days—there are no exceptions.
- ❖ DCS must not place a child in emergency placement more than once in a 12-month period.
- There are four (4) exceptions to this rule, which if met, permit an additional placement in an emergency facility:
 - the child is a runaway
 - the child is facing a direct threat to his/her safety where immediate removal is necessary
 - the child is a threat to the safety of others and immediate removal is necessary
 - the child's behavior is changed so significantly that placement for the purpose of assessment at a primary treatment center (PTC) is critical to determine appropriate placement. In this case, emergency placement is only allowable for 15 days. For this exception the Regional Administrator must certify in writing that this assessment is necessary for determining appropriate placement.

Principle(s)

- Children in foster care placement should be in the least restrictive, most family-like setting possible, and the state should make all efforts to avoid the use of non-family settings for children, particularly young children.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

Policies and Other Resources

- ❖ Policy 16.46 Assessment and Placement of Children in Foster Care
- Placement Exception Request CS-0595
- Provider Policy Manual Pages 44, 47
- ❖ Brian A. Settlement Agreement, Page 14, VII. Placement and Supervision of Children (C) (2)

Placement Note #5—Correction and Detention Placements

Case Management Notes

DCS must not place a child in a jail, correction, or detention facility unless the child is charged with delinquency or ordered by the court.

Principles and Outcomes

Principle(s)

- Children in foster care placement should be in the least restrictive, most family-like setting possible, and the state should make all efforts to avoid the use of non-family settings for children, particularly young children.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

Policies and Other Resources

- ❖ Policy 16.49 Dependent and Neglected Youth Placement in Detention
- Provider Policy Manual, Page 55
- ❖ Brian A. Agreement Pages 14-15, VII. Placement and Supervision of Children (C) (3)

Placement Note #6—Race/Ethnicity/Religion

Case Management Notes

DCS may not delay placement of a child due to race, ethnicity, and/or religion. DCS must <u>only</u> consider race and/or ethnicity to assess best interest of the specific child in relation to a specific placement.

Principles and Outcomes

Principle(s)

- All children should have the best possible opportunity to grow up in a safe, nurturing family, either their biological family or, if that is not possible, within an adoptive family.
- ❖ All children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disabilities.

Outcome(s)

Reduce all disparities associated with race/ethnicity, gender or age.

- ❖ Policy 15.01 Adoptive Placement Considerations
- ❖ Policy 16.02 MultiEthnic-InterEthnic Placement Act
- Provider Policy Manual Page 1
- Brian A. Settlement Agreement Page 16, VII. Placement and Supervision of Children (C) (11)

Placement Note #7—Placement of Children at Risk for Violence/Sexual Assault

Case Management Notes

DCS must not place children determined to be at risk for perpetrating violence or sexual assault with children <u>not so determined</u>.

There are no exceptions to this rule.

Principles and Outcomes

Principle(s)

The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.

Outcome(s)

Reduce the incidence of child abuse and neglect in Tennessee.

Policies and Other Resources

- ❖ Policy 16.01 Placement of Delinquent Youth in Family Foster Homes
- ❖ Policy 16.46 Assessment & Placement of Children in Foster Care
- ❖ Brian A. Settlement Agreement Page 15, VII. Placement and Supervision of Children (C) (4)

Placement Note #8—Children with Goal of Adoption

Case Management Notes

Children with a goal of adoption must, whenever possible, be placed in a potential adoptive home.

Principles and Outcomes

Principle(s)

Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.

Outcome(s)

- ❖ Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.

Policies and Other Resources

- ❖ Policy 15.01 Adoptive Placement Considerations
- ❖ Policy 15.02 Adoptive Placement Selection Committee
- Adoption Services Procedures Manual: "Services to the Child", "Services to Adoptive Parents", "Adoptive Placement Services", "Finalizing the Adoption"
- Brian A. Settlement Agreement, Page 16,VII. Placement and Supervision of Children (C) (10)

Placement Note #9—Foster Parent Adoption

Case Management Notes

A foster parent who has been providing appropriate foster care for a child for 12 months shall have preference as an adoptive parent for that child, should the child become legally available for adoption.

Principles and Outcomes

Outcome(s)

- Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.

- Policy 15.2 Adoptive Placement Selection Committee
- Policy Provider Manual p. 60
- ❖ Adoption Services Procedures Manual "Services to Adoptive Parents"
- ❖ Foster Parent Bill of Rights TCA 37-2-415

Placement Note #10—Adoption Subsidy

Case Management Notes

Potential adoptive families must be provided information about adoption subsidy and post adoption support at the point they are initially approached about adoption of a child.

Principles and Outcomes

Principle(s)

All children should have the best possible opportunity to grow up in a safe, nurturing family, either their biological family or, if that is not possible, within an adoptive family.

Outcome(s)

- Decrease the lengths of stay of children in state custody.
- Better match and increase needed services to support child and family well-being.

Policies and Other Resources

- ❖ Policy 15.11 Adoption Assistance Agreements Created On or After October 1, 1997
- ❖ Adoption Services Procedures Manual, "Adoptive Placement Services" and "Adoption Assistance"
- Brian A. Agreement Page 30, IX. Adoptive and Foster Parent Recruitment, Retention, and Licensing (F)

Placement Note #11—TPR and Securing Adoptive Placement

Case Management Notes

If DCS has achieved legally freeing a child for adoption (achieved TPR), it must move swiftly to secure an adoptive placement.

- If no placement has been secured (adoption contract signed) three months post Termination of Parental Rights:
 - specialized adoption team will meet
 - individual recruitment plan will be developed
- If no placement has been secured six months post Termination of Parental Rights:
 - DCS will refer the case to specialized adoption contract agencies
 - with permission of the Director of Adoption Services, the specialized adoption team may
 continue its efforts for a maximum of three months before the case <u>must</u> be referred to the
 specialized adoption agency

Principle(s)

- ❖ Foster care should be as temporary an arrangement as possible, with its goal being to provide a permanent home for the child as quickly as possible. In making the determination about what plans and services will best meet this goal, the child's interests must be paramount.
- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- Children in out-of-home placement must have timely decision-making about where and with whom they will spend their childhood, and timely implementation of whatever decisions have been made.

Outcome(s)

- Decrease the lengths of stay of children in state custody.
- * Reduce the number of placement moves experienced by children in state care.

Policies and Other Resources

Brian A. Settlement Agreement, Page 28, VIII. Freeing a Child for Adoption (F)

Placement Note #12—Placement Changes and ChipFins

Case Management Notes

When a child enters placement in a DCS foster or pre-adoptive placement, or changes placement from such, the case manager will see that within seven days this status change is updated in ChipFins.

Principles and Outcomes

Outcome(s)

Better match and increase needed services to support child and family well-being.

Policies and Other Resources

Policy 16.29 Foster Care Board Rates

CASEWORK/DOCUMENTATION NOTES

Note #1—Case Manager Visits

Note #2—Documentation Time Frames

Note #3—Reporting of Abuse/Neglect

Note #4—Reporting of Physical Restraint/Seclusion

Note #5—Psychotropic Medications

CASEWORK/DOCUMENTATION

Casework/Documentation Note #1—Case Manager Visits

Case Management Notes

All children shall be visited by their DCS case manager or contract agency case manager according to a specified schedule related to stability and the length of time the child has been in the placement. Visits are to be made as frequently as necessary to ensure appropriateness of services and stability of placement. Minimum standards are:

- Six (6) face to face visits during the first eight (8) weeks of a new placement (at least three to take place at said placement)
- During weeks 9-16 of a new placement there will be visits at least once per two-week period. Following the first 16 weeks, there will be at least two visits per month.
- Visits must include a private meeting between the case manager and the child unless the child is an infant.
- In the case of children placed in contract agency foster homes or facilities, DCS case managers must have monthly (or more frequent if necessary) contact with the child. A private visit between the DCS case manager and the child is required.
- ❖ In cases where the child is in contract agency placement, every three months the contract agency case manager must accompany the DCS case manager in order to facilitate substantive discussions between DCS, agency staff/foster parents and the child, if appropriate.

Principles and Outcomes

Principle(s)

- ❖ The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

- ❖ Policy 16.38 Supervision of Dependent and Neglected Children
- Provider Policy Manual, Page 16-17
- ❖ Brian A. Agreement, Page 19-21, VII. Placement and Supervision of Children (K)



Casework/Documentation Note #2—Documentation Time Frames

Case Management Notes

Documentation must be in the child's case file as soon as possible and <u>always</u> within 30 days.

- Documentation needs to address all contacts, developments, and case activities.
- ❖ Documentation must illustrate the life of the case, track all services provided, and reference placement changes, authorizations, waivers, and all staffings.

Policies and Other Resources

- Policy 9.01 Child Case Files
- Placement Exception Request CS-0595
- ❖ Brian A. Agreement, Page 13, V. Staff Qualifications, Training, Caseload, Supervision (G)

Casework/Documentation Note #3—Reporting of Abuse/Neglect

Case Management Notes

Abuse/neglect of children in DCS custody must be reported to Child Protective Services, Quality Assurance, and Resource Management (if abuse occurred in the contract placement or by the contract agency care giver). CPS staff must investigate allegations of abuse or neglect of children in DCS custody in a timely manner.

Principles and Outcomes

Principle(s)

The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.

Outcome(s)

Reduce the incidence of child abuse and neglect in Tennessee.

- ❖ Policy 14.05 Investigation of Alleged Child Sexual Abuse
- Policy 14.18 Investigation of Abuse and Neglect Involving Foster Parents as Perpetrators
- ❖ Policy 16.19 Abuse Allegations in Foster Homes
- DCS Incident Reporting Manual, p. 12-13
- ❖ Brian A. Settlement Agreement, Page 7, III. Reporting Abuse and Neglect (B)
- Provider Policy Manual, Page 22

Casework/Documentation Note #4—Reporting Physical Restraint/Seclusion

Case Management Notes

All incidents of physical restraint and seclusion must be reported to Central Office Quality Assurance.

Principles and Outcomes

Principle(s)

The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

Policies and Other Resources

- ❖ Policy 1.04 Incident Reporting
- DCS Incident Reporting Manual, Page 2 and Pages 15-16
- ❖ Incident Report Form CS-0496
- Brian A. Agreement, Page 18, VI. Placement and Supervision of Children (G)

Casework/Documentation Note #5—Psychotropic Medications

Case Management Notes

Psychotropic medication may not be used as a restraint. DCS must obtain parental consent (when possible) if children in care are to be placed on psychotropic medication. If parents are not available to provide consent, the Regional Health Unit nurse shall review the necessity for medication and consent to medically necessary medication.

Principles and Outcomes

Principle(s)

The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

- Policy 20.24 Informed Consent
- ❖ Informed Consent for Psychotropic Medications and Surgical Procedures CS 0545
- ❖ Brian A. Settlement Agreement, Page 17, VII. Placement and Supervision of Children (F)

PLACEMENT RESOURCE DEVELOPMENT NOTES

Note #1—Recruitment and Training of Foster and Adoptive Parents

PLACEMENT RESOURCE DEVELOPMENT



Placement Resource Development Note #1—Recruitment and Training of Foster and Adoptive Parents

Case Management Notes

In regard to recruitment, training and retention of foster and adoptive families, DCS has certain responsibilities:

- Completed applications must be responded to within seven days.
- ❖ Home studies must be completed within 60 days of completing training (including providing all documentation) unless applicant defaults or refuses to cooperate.
- ❖ PATH Training must be offered on a regular schedule with one group beginning each month in each region.
- * Relative foster parents must be given every support that non-relative foster parents receive—including all financial assistance.
- Assistance, to include specialized training and board rates, must be provided to parents caring for special needs and medically fragile children.
- ❖ Exit interviews must be completed and documented in the foster home record for all families who request home closure or whom DCS closes.
- Information regarding adoption subsidy must be provided to all potential adoptive families, including foster families.
- ❖ With the exception of expedited approvals for relatives or others significant to a specific child, no family may receive placement without completing PATH.
- ❖ Each foster family must meet annual in-service training requirements.
- All contract agencies providing foster care and adoption services are held to these same standards regarding recruitment, training and retention.

Principles and Outcomes

Principle(s)

- The state has primary responsibility for the care and protection of children who enter the foster care system. Insofar as it relies on private contractors to assist in meeting this responsibility, it should only do so according to standards set by and rigorously monitored by the state.
- Children in foster care placement should have stable placements that meet their needs and the services necessary to address both the trauma of foster care placement and the problems surrounding their removal from their family.

Outcome(s)

Reduce the number and rate of children being restricted from their own families, own communities and family placements.

- ❖ Policy 16.04 Foster Home Approval and Training Process
- Provider Policy Manual, Page 59-63
- ❖ Adoption Services Procedure Manual "Services to Adoptive Parents" and "Services to the Child" (Contract for Special Needs Adoption Services)
- ❖ Brian A. Settlement Agreement, Page 29-30, IX. Adoptive and Foster parent Recruitment, Retention, and Licensing (G)